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8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE
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10 KINNICK B. SANFORD JR.,

11 Petitioner,

12 v.

13 MARGARET GILBERT,

14 Respondent.

CASE NO. C16-169-BJR

ORDER TRANSFERRING CASE TO
NINTH CIRCUIT

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16 The Court, having reviewed Petitioner's 28 U.S.C. § 2254 habeas petition, the Report and
17 Recommendation of the Honorable Brian A. Tsuchida, United States Magistrate Judge, any
18 objections or responses to that, and the remaining record, finds and Orders as follows:

19 (1) The Court adopts the Report and Recommendation.

20 (2) Petitioner's 28 U.S.C. § 2254 petition is **TRANSFERRED TO THE NINTH**
21 **CIRCUIT AS A SECOND OR SUCCESSIVE PETITION.**

22 (3) Respondent's motion to dismiss (Dkt. 12) is **DENIED as moot.**

23 (4) The Clerk is directed to send copies of this Order to Petitioner and to the Hon.

24 Brian A. Tsuchida **AND TO ADMINISTRATIVELY CLOSE THIS FILE.**

The clerk is ordered to provide copies of this order to all counsel.

Dated this 11th day of October, 2016.

Barbara Rothstein

Barbara Jacobs Rothstein
U.S. District Court Judge